

FILED

OCT 19 2017

IN THE CIRCUIT COURT OF PERRY COUNTY, MISSISSIPPI

JERRY HINTON

 MARIA E. BROWN, CLERK
 BY: *[Signature]* DEPUTY CLERK
 PERRY COUNTY, MISSISSIPPI

V.

CAUSE NO.: 2017-0147 H

 BAGBY ELEVATOR COMPANY,
 MONTGOMERY ELEVATOR COMPANY,
 KONE INC., JOHN DOE PERSON(S) 1 - 5
 and JOHN DOE ENTITY(IES) 1 - 5

DEFENDANTS

COMPLAINT
(Jury Trial Requested)

COMES NOW the Plaintiff, Jerry Hinton, by and through his counsel of record, and files this Complaint against the Defendants, Bagby Elevator Company, Montgomery Elevator Company, KONE INC., John Doe Person(s) 1 - 5 and John Doe Entity(ies) 1 - 5, and in support thereof, would show unto this Honorable Court the following, to-wit:

I. Parties

1.

The Plaintiff, Jerry Hinton, is an adult resident citizen of Perry County, Beaumont, Mississippi.

2.

The Defendant, Bagby Elevator Company, is a foreign corporation registered to do business in the State of Mississippi, who may be served with process through its registered agent for service of process, CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

3.

The Defendant, Montgomery Elevator Company, is a foreign corporation registered to do business in the State of Mississippi, who may be served with process through its registered agent for service of process, CT Corporation System, 118 North Congress Street, Jackson, Mississippi 39205.

4.

The Defendant, KONE INC., is a foreign corporation registered to do business in the State of



Mississippi, who may be served with process through its registered agent for service of process, Corporation Service Company, 5760 I-55 North, Suite 150, Jackson, Mississippi 39211.

5.

John Doe Person(s) are any unknown persons who may have been responsible for or who may have contributed to the negligence alleged herein. They may be added as Defendants when their identities become known.

6.

John Doe Entity(ies) are any unknown companies who may have been responsible for or who may have contributed to the negligence alleged herein. They may be added as Defendants when their identities become known.

II. Jurisdiction and Venue

7.

That this cause of action occurred or accrued in Perry County, Mississippi and that pursuant to the Mississippi Rules of Civil Procedure, this Court has jurisdiction.

III. Basic Facts Giving Rise to Claim for Relief

8.

That on or about November 4, 2014, Plaintiff was working at his place of employment. As Plaintiff walked through the elevator, the elevator door came down and struck the Plaintiff, causing the Plaintiff to sustain serious bodily injury.

9.

The Defendants have a non-delegable duty to provide safe equipment for the employees and invitees, such as the Plaintiff, on the premises.

10.

At all times pertinent, the Plaintiff was an invitee and well within his civil rights to be on the premises or vicinity and thus the Defendants had a duty to maintain safe equipment.

IV. Negligence

11.

The Defendants failed to provide and maintain safe equipment for the employees and invitees on the premises.

12.

The Defendants failed to properly and adequately inspect and maintain its equipment on the premises.

13.

The Defendants were negligent for its failure to warn the Plaintiff of the dangers to his person while on the premises.

14.

The Defendants failed to perform and violated or breached all and singularly the duties owed to Plaintiff as set forth in the preceding paragraphs hereof, and such failure, breach and violation constituted negligence on the part of the Defendants.

V. Damages

15.

As a direct and proximate result of the negligence of the Defendants, the Plaintiff, Jerry Hinton, suffered injuries and damages which include, but are not limited to the following:

- A. Past, present and future physical pain and suffering;
- B. Inconvenience and aggravation resulting in emotional and mental suffering past, present and future;
- C. Hospital bills, doctor bills, prescription drug bills and other medical and medical related expenses which have been incurred and which will continue to be incurred in the future;
- D. Permanent physical impairment and disability;
- E. Loss of wages; and

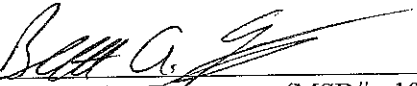
F. Loss of enjoyment of life.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Jerry Hinton, demands a judgment of, from and against the Defendants in an amount within the jurisdictional limits of this Court to be determined at the trial of this cause plus interest from the date of the filing of the original Complaint and all costs of Court.

RESPECTFULLY SUBMITTED this the 17th day of October, 2017.

Jerry Hinton
Plaintiff

By:


Brett A. Ferguson (MSB# 103236)
Attorney for Plaintiff

Of Counsel:

Schwartz & Associates, P.A.
162 East Amite Street
Post Office Box 3949
Jackson, Mississippi 39207
Telephone: 601-988-8888
Facsimile: 601-949-7929

Case: 56CI1:17-cv-0147 Document #: 7 Filed: 10/09/2017 Page 1 of 2

IN THE CIRCUIT COURT OF PERRY COUNTY, MISSISSIPPI

JERRY HINTON

PLAINTIFF

V.

CAUSE NO.: 2017-0147H

BAGBY ELEVATOR COMPANY,
MONTGOMERY ELEVATOR COMPANY,
KONE INC., JOHN DOE PERSON(S) 1 - 5
and JOHN DOE ENTITY(IES) 1 - 5

DEFENDANTS

SUMMONS

TO ANY OTHER LAWFUL AUTHORIZED
PERSON, WE COMMAND YOU TO SUMMON;

TO: Corporation Service Company, Registered Agent for
KONE INC.
5760 I-55 North, Suite 150
Jackson, Mississippi 39211

NOTICE TO DEFENDANT

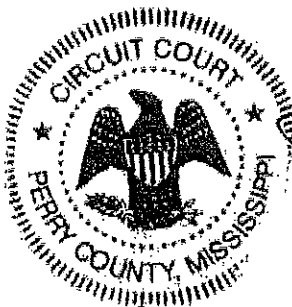
**THE COMPLAINT AND DISCOVERY, WHICH ARE ATTACHED TO THIS
SUMMONS, IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION
TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint and Plaintiff's First Set of Interrogatories Propounded to Defendant and Plaintiff's First Set of Requests for Production of Documents Propounded to Defendant to the Honorable Brett Ferguson, the attorney for the Plaintiff(s), whose address is 162 East Amite Street, Jackson, Mississippi 39201 and mailing address of Post Office Box 3949, Jackson, Mississippi 39207-3949.

Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons, Complaint and Discovery or a judgment by default will be entered against you for the money or other things demanded in the Complaint. Your response to Plaintiff's First Set of Separate Interrogatories Propounded to Defendant and Plaintiff's First Set of Request for Production of Documents Propounded to Defendant must be mailed or delivered within forty-five (45) days from the date of delivery of this Summons or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 19 day of October, 2017.



Martha Clair
Circuit Clerk of Perry County, Mississippi

Martha Bruse, P.C.

Case: 56CI1:17-cv-00191-KS-MTP Document 1-2 Filed 11/22/17 Page 2 of 2

(Process Server)

[Use separate proof of service for each person served]

Angela Deiss
Name of Person or Entity Served

I, the undersigned process server, served the Summons, Complaint and Discovery upon the person or entity named above in the manner set forth below [process server must check proper space and provide all additional information that is requested to the mode of service used]:

- ☐ **FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE.** By mailing (by first class mail, postage prepaid) copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender [attached completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B].
- ☒ **PERSONAL SERVICE.** I personally delivered an issued Summons, Complaint and Discovery to Angela Deiss on the 27 day of October, 2017, where I found said person in Andover County of the State of Mississippi. 1117 AF
- ☐ **RESIDENCE SERVICE.** After exercising reasonable diligence I was unable to deliver copies to said person within _____ County, Mississippi. I served the Summons, Complaint and Discovery on the _____ day of _____, 2017, at the usual place of abode of said person by leaving a true copy of the Summons, Complaint and Discovery with _____ who is the _____ [here insert wife, husband, son, daughter, or other person as the case may be], a member of the family of the person served above the age of sixteen (16) years and willing to receive the Summons, Complaint and Discovery, and thereafter on the _____ day of _____, 2017, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.
- ☐ **CERTIFIED MAIL SERVICE.** By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person [attach signed return receipt or other evidence of actual delivery to the person served.]

At the time of service, I was at least eighteen (18) years of age and not a party to this action.

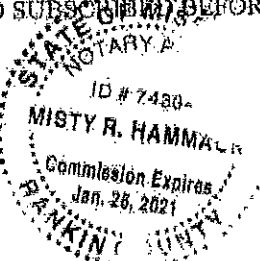
PROCESS SERVER MUST LIST BELOW: [Please print or type]

Name: Jimmy H Taylor
Address: PO Box 724626
Tucker, MS 39172
Telephone Number: 662 613 0242

STATE OF MISSISSIPPI
COUNTY OF Hinds

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the state and county aforesaid, the within named Jimmy H Taylor, who being by me first duly sworn, stated on oath that all of the matters and facts set forth in the above and foregoing "Proof of Service" are true and correct as therein stated.

[Signature]
Process server (signature)



30 day of October, 2017.
Misty R. Hammack
NOTARY PUBLIC

Case: 56Cl1:17-cv-00147 Document #: 6 Filed: 10/30/2017 Page 1 of 2

IN THE CIRCUIT COURT OF PERRY COUNTY, MISSISSIPPI

JERRY HINTON

PLAINTIFF

V.

CAUSE NO.: 2017-0147H

BAGBY ELEVATOR COMPANY,
MONTGOMERY ELEVATOR COMPANY,
KONE INC., JOHN DOE PERSON(S) 1 - 5
and JOHN DOE ENTITY(IES) 1 - 5

DEFENDANTS

SUMMONS

TO ANY OTHER LAWFUL AUTHORIZED
PERSON, WE COMMAND YOU TO SUMMON:

TO: CT Corporation System, Registered Agent for
Montgomery Elevator Company
118 North Congress Street
Jackson, Mississippi 39205

NOTICE TO DEFENDANT

**THE COMPLAINT AND DISCOVERY, WHICH ARE ATTACHED TO THIS
SUMMONS, IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION
TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint and Plaintiff's First Set of Interrogatories Propounded to Defendant and Plaintiff's First Set of Requests for Production of Documents Propounded to Defendant to the Honorable Brett Ferguson, the attorney for the Plaintiff(s), whose address is 162 East Amite Street, Jackson, Mississippi 39201 and mailing address of Post Office Box 3949, Jackson, Mississippi 39207-3949.

Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons, Complaint and Discovery or a judgment by default will be entered against you for the money or other things demanded in the Complaint. Your response to Plaintiff's First Set of Separate Interrogatories Propounded to Defendant and Plaintiff's First Set of Request for Production of Documents Propounded to Defendant must be mailed or delivered within forty-five (45) days from the date of delivery of this Summons or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under the hand and the seal of said Court, this the 19 day of October, 2017.



Natasha Clark
Circuit Clerk of Perry County, Mississippi

Kathleen Brewer D.C.

Case: 56Cl1:17-cv-00191-KS-MTP Document 1-2 Filed 11/22/17 Page 2 of 2

PROOF OF SERVICE
(Process Server)
[Use separate proof of service for each person served]

CT Corp
Name of Person or Entity Served

I, the undersigned process server, served the Summons, Complaint and Discovery upon the person or entity named above in the manner set forth below [process server must check proper space and provide all additional information that is requested to the mode of service used]:

- ☐ **FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE.** By mailing (by first class mail, postage prepaid) copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender [attached completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B].

☒ **PERSONAL SERVICE.** I personally delivered an issued Summons, Complaint and Discovery to Matt Thibodaux on the 27 day of October, 2017, where I found said person in rankin County of the State of Mississippi. 1025 AF

- ☐ **RESIDENCE SERVICE.** After exercising reasonable diligence I was unable to deliver copies to said person within _____ County, Mississippi. I served the Summons, Complaint and Discovery on the _____ day of _____, 2017, at the usual place of abode of said person by leaving a true copy of the Summons, Complaint and Discovery with _____ who is the _____ [here insert wife, husband, son, daughter, or other person as the case may be], a member of the family of the person served above the age of sixteen (16) years and willing to receive the Summons, Complaint and Discovery, and thereafter on the _____ day of _____, 2017, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

- ☐ **CERTIFIED MAIL SERVICE.** By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person [attach signed return receipt or other evidence of actual delivery to the person served.]

At the time of service, I was at least eighteen (18) years of age and not a party to this action.

PROCESS SERVER MUST LIST BELOW: [Please print or type]

Name: Simon H Taylor
Address: PO Box 720626
Tucker MS 39172
Telephone Number: 601 618 0242

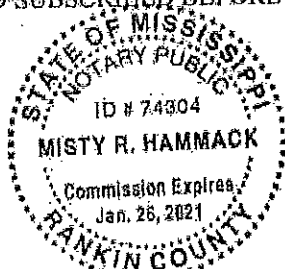
STATE OF MISSISSIPPI
COUNTY OF Hinds

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the state and county aforesaid, the within named Simon H Taylor, who being by me first duly sworn, stated on oath that all of the matters and facts set forth in the above and foregoing "Proof of Service" are true and correct as therein stated.

[Signature]
Process server (signature)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 30 day of October, 2017.

My Commission Expires: _____



[Signature]
NOTARY PUBLIC

Case: 56CI1:17-cv-00147 Document #: 5 Filed: 10/30/2017 Page 1 of 2

IN THE CIRCUIT COURT OF PERRY COUNTY, MISSISSIPPI

JERRY HINTON

PLAINTIFF

V.

CAUSE NO.: 2017-0147 H

BAGBY ELEVATOR COMPANY,
MONTGOMERY ELEVATOR COMPANY,
KONE INC., JOHN DOE PERSON(S) 1 - 5
and JOHN DOE ENTITY(IES) 1 - 5

DEFENDANTS

SUMMONS

TO ANY OTHER LAWFUL AUTHORIZED
PERSON, WE COMMAND YOU TO SUMMON:

TO: CT Corporation System, Registered Agent for
Bagby Elevator Company
645 Lakeland East Drive, Suite 101
Flowood, Mississippi 39232

NOTICE TO DEFENDANT

THE COMPLAINT AND DISCOVERY, WHICH ARE ATTACHED TO THIS
SUMMONS, IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION
TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint and Plaintiff's First Set of Interrogatories Propounded to Defendant and Plaintiff's First Set of Requests for Production of Documents Propounded to Defendant to the Honorable Brett Ferguson, the attorney for the Plaintiff(s), whose address is 162 East Amite Street, Jackson, Mississippi 39201 and mailing address of Post Office Box 3949, Jackson, Mississippi 39207-3949.

Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons, Complaint and Discovery or a judgment by default will be entered against you for the money or other things demanded in the Complaint. Your response to Plaintiff's First Set of Separate Interrogatories Propounded to Defendant and Plaintiff's First Set of Request for Production of Documents Propounded to Defendant must be mailed or delivered within forty-five (45) days from the date of delivery of this Summons or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 19 day of October, 2017.



Martha Clark
Circuit Clerk of Perry County, Mississippi

Antela Bowser D.C.

Case: 56C11:17-cv-00191-KS-MTP Document 1-2 Filed 11/22/17 Page 2 of 2

(Process Server)
[Use separate proof of service for each person served]CT Corp
Name of Person or Entity Served

I, the undersigned process server, served the Summons, Complaint and Discovery upon the person or entity named above in the manner set forth below [process server must check proper space and provide all additional information that is requested to the mode of service used]:

- ☐ **FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE.** By mailing (by first class mail, postage prepaid) copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender [attached completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B].

☒ **PERSONAL SERVICE.** I personally delivered an issued Summons, Complaint and Discovery to Matt Thibodeaux on the 27 day of October, 2017, where I found said person in LAKE County of the State of Mississippi. 1025 AF

- ☐ **RESIDENCE SERVICE.** After exercising reasonable diligence I was unable to deliver copies to said person within _____ day of _____, 2017, at the usual place of abode of said person by leaving a true copy of the Summons, Complaint and Discovery with _____ who is the _____ [here insert wife, husband, son, daughter, or other person as the case may be], a member of the family of the person served above the age of sixteen (16) years and willing to receive the Summons, Complaint and Discovery, and thereafter on the _____ day of _____, 2017, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

- ☐ **CERTIFIED MAIL SERVICE.** By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person [attach signed return receipt or other evidence of actual delivery to the person served.]

At the time of service, I was at least eighteen (18) years of age and not a party to this action.

PROCESS SERVER MUST LIST BELOW: [Please print or type]

Name: Jimmy H Taylor
Address: 6004 7206th
Jackson MS 39214
Telephone Number: 601 612 0244

STATE OF MISSISSIPPI
COUNTY OF Hinds

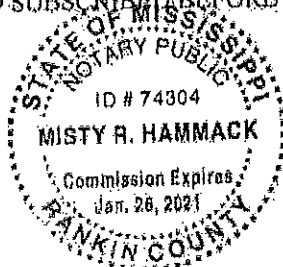
PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the state and county aforesaid, the within named Jimmy H Taylor, who being by me first duly sworn, stated on oath that all of the matters and facts set forth in the above and foregoing "Proof of Service" are true and correct as therein stated.

J H Taylor
Process server (signature)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 30 day of October, 2017.

Misty R Hammack
NOTARY PUBLIC

My Commission Expires: _____



IN THE CIRCUIT COURT OF PERRY COUNTY, MISSISSIPPI

JERRY HINTON

PLAINTIFF

V.

CAUSE NO.

2017-0147 H

BAGBY ELEVATOR COMPANY,
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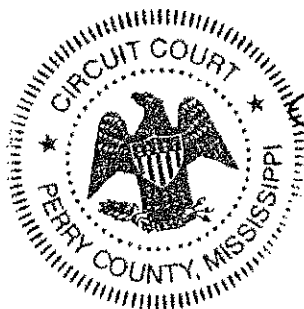
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TO PROTECT YOUR RIGHTS.**

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Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons, Complaint and Discovery or a judgment by default will be entered against you for the money or other things demanded in the Complaint. Your response to Plaintiff's First Set of Separate Interrogatories Propounded to Defendant and Plaintiff's First Set of Request for Production of Documents Propounded to Defendant must be mailed or delivered within forty-five (45) days from the date of delivery of this Summons or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 19 day of October, 2017.



Monika Clark
Circuit Clerk of Perry County, Mississippi

Valerie Brewer D.C.

PROOF OF SERVICE

(Process Server)

[Use separate proof of service for each person served]

Name of Person or Entity Served _____

I, the undersigned process server, served the Summons, Complaint and Discovery upon the person or entity named above in the manner set forth below [process server must check proper space and provide all additional information that is requested to the mode of service used]:

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- ☐ **PERSONAL SERVICE.** I personally delivered an issued Summons, Complaint and Discovery to _____ on the _____ day of _____, 2017, where I found said person in _____ County of the State of Mississippi.
- ☐ **RESIDENCE SERVICE.** After exercising reasonable diligence I was unable to deliver copies to said person within _____ County, Mississippi. I served the Summons, Complaint and Discovery on the _____ day of _____, 2017, at the usual place of abode of said person by leaving a true copy of the Summons, Complaint and Discovery with _____ who is the _____ [here insert wife, husband, son, daughter, or other person as the case may be], a member of the family of the person served above the age of sixteen (16) years and willing to receive the Summons, Complaint and Discovery, and thereafter on the _____ day of _____, 2017, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.
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At the time of service, I was at least eighteen (18) years of age and not a party to this action.

PROCESS SERVER MUST LIST BELOW: [Please print or type]

Name: _____

Address: _____

Telephone Number: _____

STATE OF MISSISSIPPI

COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the state and county aforesaid, the within named _____, who being by me first duly sworn, stated on oath that all of the matters and facts set forth in the above and foregoing "Proof of Service" are true and correct as therein stated.

Process server (signature)

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____, 2017.

NOTARY PUBLIC

My Commission Expires: _____

IN THE CIRCUIT COURT OF PERRY COUNTY, MISSISSIPPI

JERRY HINTON

PLAINTIFF

V.

CAUSE NO.:

2017-0147H

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MONTGOMERY ELEVATOR COMPANY,
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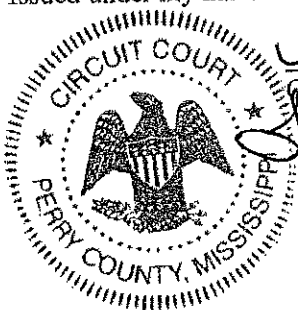
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You must file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 19 day of October, 2017.



Naisha Clark
Circuit Clerk of Perry County, Mississippi

Naisha Bower D.C.

PROOF OF SERVICE

(Process Server)

[Use separate proof of service for each person served]

Name of Person or Entity Served _____

I, the undersigned process server, served the Summons, Complaint and Discovery upon the person or entity named above in the manner set forth below [process server must check proper space and provide all additional information that is requested to the mode of service used]:

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- ☐ **PERSONAL SERVICE.** I personally delivered an issued Summons, Complaint and Discovery to _____ on the _____ day of _____, 2017, where I found said person in _____ County of the State of Mississippi.
- ☐ **RESIDENCE SERVICE.** After exercising reasonable diligence I was unable to deliver copies to said person within _____ County, Mississippi. I served the Summons, Complaint and Discovery on the _____ day of _____, 2017, at the usual place of abode of said person by leaving a true copy of the Summons, Complaint and Discovery with _____ who is the _____ [here insert wife, husband, son, daughter, or other person as the case may be], a member of the family of the person served above the age of sixteen (16) years and willing to receive the Summons, Complaint and Discovery, and thereafter on the _____ day of _____, 2017, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.
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At the time of service, I was at least eighteen (18) years of age and not a party to this action.

PROCESS SERVER MUST LIST BELOW: [Please print or type]

Name: _____

Address: _____

Telephone Number: _____

STATE OF MISSISSIPPI
COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the state and county aforesaid, the within named _____, who being by me first duly sworn, stated on oath that all of the matters and facts set forth in the above and foregoing "Proof of Service" are true and correct as therein stated.

Process server (signature)

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____, 2017.

NOTARY PUBLIC

My Commission Expires:

IN THE CIRCUIT COURT OF PERRY COUNTY, MISSISSIPPI

JERRY HINTON

PLAINTIFF

V.

CAUSE NO.: 2017-01474

BAGBY ELEVATOR COMPANY,
MONTGOMERY ELEVATOR COMPANY,
KONE INC., JOHN DOE PERSON(S) 1 - 5
and JOHN DOE ENTITY(IES) 1 - 5

DEFENDANTS

SUMMONS

TO ANY OTHER LAWFUL AUTHORIZED
PERSON, WE COMMAND YOU TO SUMMON:

TO: Corporation Service Company, Registered Agent for
KONE INC.
5760 I-55 North, Suite 150
Jackson, Mississippi 39211

NOTICE TO DEFENDANT

**THE COMPLAINT AND DISCOVERY, WHICH ARE ATTACHED TO THIS
SUMMONS, IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION
TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint and Plaintiff's First Set of Interrogatories Propounded to Defendant and Plaintiff's First Set of Requests for Production of Documents Propounded to Defendant to the Honorable Brett Ferguson, the attorney for the Plaintiff(s), whose address is 162 East Amite Street, Jackson, Mississippi 39201 and mailing address of Post Office Box 3949, Jackson, Mississippi 39207-3949.

Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons, Complaint and Discovery or a judgment by default will be entered against you for the money or other things demanded in the Complaint. Your response to Plaintiff's First Set of Separate Interrogatories Propounded to Defendant and Plaintiff's First Set of Request for Production of Documents Propounded to Defendant must be mailed or delivered within forty-five (45) days from the date of delivery of this Summons or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 19 day of October, 2017.



Martha Clark
Circuit Clerk of Perry County, Mississippi

Latisha Brewer D.C.

PROOF OF SERVICE

(Process Server)

[Use separate proof of service for each person served]

Name of Person or Entity Served _____

I, the undersigned process server, served the Summons, Complaint and Discovery upon the person or entity named above in the manner set forth below [process server must check proper space and provide all additional information that is requested to the mode of service used]:

- ☐ **FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE.** By mailing (by first class mail, postage prepaid) copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender [attached completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B].
- ☐ **PERSONAL SERVICE.** I personally delivered an issued Summons, Complaint and Discovery to _____ on the _____ day of _____, 2017, where I found said person in _____ County of the State of Mississippi.
- ☐ **RESIDENCE SERVICE.** After exercising reasonable diligence I was unable to deliver copies to said person within _____ County, Mississippi. I served the Summons, Complaint and Discovery on the _____ day of _____, 2017, at the usual place of abode of said person by leaving a true copy of the Summons, Complaint and Discovery with _____ who is the _____ [here insert wife, husband, son, daughter, or other person as the case may be], a member of the family of the person served above the age of sixteen (16) years and willing to receive the Summons, Complaint and Discovery, and thereafter on the _____ day of _____, 2017, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.
- ☐ **CERTIFIED MAIL SERVICE.** By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person [attach signed return receipt or other evidence of actual delivery to the person served.]

At the time of service, I was at least eighteen (18) years of age and not a party to this action.

PROCESS SERVER MUST LIST BELOW: [Please print or type]

Name: _____

Address: _____

Telephone Number: _____

STATE OF MISSISSIPPI
COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the state and county aforesaid, the within named _____, who being by me first duly sworn, stated on oath that all of the matters and facts set forth in the above and foregoing "Proof of Service" are true and correct as therein stated.

Process server (signature)

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____, 2017.

NOTARY PUBLIC

My Commission Expires:

FILED

OCT 19 2017

IN THE CIRCUIT COURT OF PERRY COUNTY, MISSISSIPPI

JERRY HINTON

CLERK OF COURT
DEPUTY CLERK
PERRY COUNTY, MISSISSIPPI

V.

CAUSE NO.: 2017-0147 H

BAGBY ELEVATOR COMPANY,
MONTGOMERY ELEVATOR COMPANY,
KONE INC., JOHN DOE PERSON(S) 1 - 5
and JOHN DOE ENTITY(IES) 1 - 5

DEFENDANTS

COMPLAINT
(Jury Trial Requested)

COMES NOW the Plaintiff, Jerry Hinton, by and through his counsel of record, and files this Complaint against the Defendants, Bagby Elevator Company, Montgomery Elevator Company, KONE INC., John Doe Person(s) 1 - 5 and John Doe Entity(ies) 1 - 5, and in support thereof, would show unto this Honorable Court the following, to-wit:

I. Parties

1.

The Plaintiff, Jerry Hinton, is an adult resident citizen of Perry County, Beaumont, Mississippi.

2.

The Defendant, Bagby Elevator Company, is a foreign corporation registered to do business in the State of Mississippi, who may be served with process through its registered agent for service of process, CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

3.

The Defendant, Montgomery Elevator Company, is a foreign corporation registered to do business in the State of Mississippi, who may be served with process through its registered agent for service of process, CT Corporation System, 118 North Congress Street, Jackson, Mississippi 39205.

4.

The Defendant, KONE INC., is a foreign corporation registered to do business in the State of

IV. Negligence

11.

The Defendants failed to provide and maintain safe equipment for the employees and invitees on the premises.

12.

The Defendants failed to properly and adequately inspect and maintain its equipment on the premises.

13.

The Defendants were negligent for its failure to warn the Plaintiff of the dangers to his person while on the premises.

14.

The Defendants failed to perform and violated or breached all and singularly the duties owed to Plaintiff as set forth in the preceding paragraphs hereof, and such failure, breach and violation constituted negligence on the part of the Defendants.

V. Damages

15.

As a direct and proximate result of the negligence of the Defendants, the Plaintiff, Jerry Hinton, suffered injuries and damages which include, but are not limited to the following:

- A. Past, present and future physical pain and suffering;
- B. Inconvenience and aggravation resulting in emotional and mental suffering past, present and future;
- C. Hospital bills, doctor bills, prescription drug bills and other medical and medical related expenses which have been incurred and which will continue to be incurred in the future;
- D. Permanent physical impairment and disability;
- E. Loss of wages; and


F. Loss of enjoyment of life.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Jerry Hinton, demands a judgment of, from and against the Defendants in an amount within the jurisdictional limits of this Court to be determined at the trial of this cause plus interest from the date of the filing of the original Complaint and all costs of Court.

RESPECTFULLY SUBMITTED this the 17th day of October, 2017.

Jerry Hinton
Plaintiff

By:


Brett A. Ferguson (MSB# 103236)
Attorney for Plaintiff

Of Counsel:

Schwartz & Associates, P.A.
162 East Amite Street
Post Office Box 3949
Jackson, Mississippi 39207
Telephone: 601-988-8888
Facsimile: 601-949-7929

COVER SHEET Civil Case Filing Form (To be completed by Attorney/Party Prior to Filing of Pleading)		Court Identification Docket # <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; padding: 2px;">54</div> <div style="border: 1px solid black; padding: 2px;">01</div> <div style="border: 1px solid black; padding: 2px;">01</div> </div> <div style="display: flex; justify-content: space-around; font-size: small;"> County # Judicial District Court ID (CH, CI, CO) </div>		Case Year <div style="border: 1px solid black; padding: 2px; display: inline-block;">2017</div>	Docket Number <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">0147</div> <div style="font-size: 2em; margin-left: 5px;">H</div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px; display: inline-block;">2240</div>
Mississippi Supreme Court Administrative Office of Courts		Form AOC/01 (Rev 2016)		Month _____ Date _____ Year _____ This area to be completed by clerk	Local Docket ID <div style="border: 1px solid black; padding: 2px; display: inline-block;"> </div>
In the <u>CIRCUIT</u> Court of <u>PERRY</u> County <u> </u> Judicial District <u> </u>		Case Number If filed prior to 1/1/94: _____			
Origin of Suit (Place an "X" in one box only) <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input checked="" type="checkbox"/> Initial Filing</div> <div style="width: 50%;"><input type="checkbox"/> Reinstated</div> <div style="width: 50%;"><input type="checkbox"/> Foreign Judgment Enrolled</div> <div style="width: 50%;"><input type="checkbox"/> Transfer from Other court</div> <div style="width: 50%;"><input type="checkbox"/> Remanded</div> <div style="width: 50%;"><input type="checkbox"/> Reopened</div> <div style="width: 50%;"><input type="checkbox"/> Joining Suit/Action</div> <div style="width: 50%;"><input type="checkbox"/> Appeal</div> <div style="width: 50%;"><input type="checkbox"/> Other</div> </div>					
Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form Individual <u>Hinton</u> Last Name <u>Jerry</u> First Name _____ Maiden Name, if applicable _____ M.I. _____ Jr/Sr/III/IV _____ Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____ Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A or Agency _____ Business _____ Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated: _____ Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: _____ D/B/A _____ Address of Plaintiff <u>51 Kittrell Road, Beaumont, Mississippi 39423</u> Attorney (Name & Address) _____ MS Bar No. _____ Check (x) if Individual Filing Initial Pleading is NOT an attorney Signature of Individual Filing: <u>[Signature]</u>					
Defendant - Name of Defendant - Enter Additional Defendants on Separate Form Individual _____ Last Name _____ First Name _____ Maiden Name, if applicable _____ M.I. _____ Jr/Sr/III/IV _____ Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____ Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A or Agency _____ Business <u>Bagby Elevator Company</u> Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated: _____ Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: _____ D/B/A _____ Attorney (Name & Address) - If Known _____ MS Bar No. _____					
Check (x) if child support is contemplated as an issue in this suit.* *If checked, please submit completed Child Support Information Sheet with this Cover Sheet					
Nature of Suit (Place an "X" in one box only)					
<input type="checkbox"/> Domestic Relations <input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Term. of Parental Rights-Chancery <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other _____ <input type="checkbox"/> Appeals <input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Municipal Court <input type="checkbox"/> Other _____		<input type="checkbox"/> Business/Commercial <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other _____ <input type="checkbox"/> Probate <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Mental Health Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Alcohol/Drug Commitment (voluntary)		<input type="checkbox"/> Alcohol/Drug Commitment (voluntary) <input type="checkbox"/> Other _____ <input type="checkbox"/> Children/Minors - Non-Domestic <input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion <input type="checkbox"/> Minor Removal of Minority <input type="checkbox"/> Other _____ <input type="checkbox"/> Civil Rights <input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other _____ <input type="checkbox"/> Contract <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other _____ <input type="checkbox"/> Statutes/Rules <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other _____	
		Real Property <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other _____ Torts <input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Intentional Tort <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input checked="" type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Other _____			

IN THE CIRCUIT COURT OF PERRY COUNTY, MISSISSIPPI
JUDICIAL DISTRICT, CITY OF

Docket No. _____ File Yr _____ Chronological No. _____ Clerk's Local ID _____ Docket No. If Filed Prior to 1/1/94 _____

**DEFENDANTS IN REFERENCED CAUSE - Page 1 of ____ Defendants Pages
 IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET**

Defendant #2:

Individual: _____ (_____) _____
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business Montgomery Elevator Company
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant #3:

Individual: _____ (_____) _____
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business KONE INC.
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant #4:

Individual: _____ (_____) _____
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____